Remarks

All of the originally presented claims stand rejected as anticipated, 35 USC 102(e), or obvious, 35 USC 103(a), or both, in view of Dynarski et al patent 6,466,571, October 15, 2002 (hereinafter Dynarski) either alone or in combination with Goldman et al patent 6,374,352 with respect to claims 6 and 7. In response thereto applicant has cancelled all of claims 1 through 9 and is presenting in their stead new claims 10 through 19.

Prior claims 1, 3, 6, and 8 were also rejected, 35 USC 112, first paragraph, for concealment of the best mode contemplated by the inventor and for the specification failing to provide an enabling disclosure. In support of this rejection the Examiner referred to applicant's reciting in the prior claims "a set of intermediate abstractions", "a decomposition of end-to-end service requirement" and "vendor neutral requirement". Applicant strongly disagrees with this rejection.

In the newly presented claims the term "vendor neutral requirements" has not been employed, the claims instead referring to translating the end-to-end or functional requirements into a set of library requirements, so-called because they comprise a library of intermediate abstractions. All of this is clearly described for the benefit of those skilled in the art and specifically at page 5, lines 1 through 19 with the method steps for the translation (or decomposition) being set forth in Fig. 2, as described at page 5, line 20 through page 7 line10, including specific examples of the intermediate abstractions. Applicant submits that this represents, together with the specification as whole, a clear enablement of these aspects of his invention. The Examiner has particularly identified the term " intermediate abstractions" as preventing applicant's disclosure from being enabling. Applicant, however, submits that the meaning of that term is well defined in the specification, particularly at page 5, lines 15-19, and that those skilled in this art would readily understand applicant's invention and could make and/or use the invention as described in applicant's specification. See also applicant's Fig. 2, discussed at page 5, line 20 et seq, and the detailed discussion of examples of intermediate abstractions at page 6, line 10 et seq.

Further, strongly objects to the Examiner's assertion that applicant has concealed either any enabling disclosure or any indication of a best mode known only to applicant. That applicant has not set forth specific program code to perform the steps of his invention does not amount to a concealment of the best mode known to him, whether or not applicant had in his possession at the time of the filing of this application such program code. See, for example, Fonar Corp. v General Electric Co., 41 USPQ2d 1801, 1805 (Fed. Circ.1997). An assertion of an inventor failing to set forth the best mode is a serious matter. As recently stated by the Federal Circuit, High Concrete Structures Inc. v. New Enterprise Stone and Lime Co., 71 USPQ 2d 1948, 1950 (Fed Cir 2004), "Invalidation for failure to set forth the best mode requires (1) the inventor knew of a better mode than was disclosed, and (2) the inventor concealed the better mode" and "Both parts of the best mode test must be met in order to invalidate the patent". Applicant denies that there was any better mode known to him than what is set forth in the specification and also denies any intentional concealment. These

are matters of which the Examiner has neither knowledge nor evidence to support his assertion of concealment of the best mode.

Accordingly, applicant respectfully requests withdrawal of any rejection based on Section 112, first paragraph and specifically withdrawal of any rejection for lack of enablement or for concealment of a best mode.

Further applicant submits that a reading of the newly presented claims will clearly establish the lack of relevancy of Dynarski to applicant's invention. Applicant's invention is concerned with configuration of entire communication networks and diagnosis of such configuration. Specifically applicant's invention obviates the large and tedious task currently employed in determining causes of service failure in networks and configuring such networks, due to the current reliance on human intuition and interpretation, as set forth at page 2 of applicant's specification. Further, in broad terms applicant's invention is described in the Summary starting at page 2, line 20 of the specification, the provisioning aspect of applicant's invention being described at page 2, line 20 through page 3, line 4 and the diagnosis aspect of applicant's invention being described at page 3, line 5 through line 24.

Dynarski has no disclosure or teaching relevant to these problems solved by applicant's invention. Dynarski is concerned with "finding a mobile wireless communication device when an Internet Protocol (IP) packet from a remote user is sent to the device over an IP network" (Abstract) and the only configuration is establishing a connection to that device when located. Accordingly, applicant respectfully refutes the Examiner's statement that "Dynarski discloses a system for configuring networks". Further there is no disclosure in Dynarski concerning the diagnosis of configuration errors in a network. The Examiner has referred to Dynarski column 6, line 57-column 7, line 10 as a discussion of detecting configuration errors in the network. However, what Dynarski is doing as described therein "is to authenticate the user who owns device 14 to be sure that that they (sic) are allowed to receive the call." This has no relevance to applicant's invention.

Applicant's invention, as now more precisely recited in the newly presented claims, involves translating requirements into intermediate abstractions and storing such abstractions in a first database, then storing detailed device configuration parameter values based on these abstractions in a second database. It is one aspect of applicant's invention that devices in the network are then configured based on commands issuing from the stored configuration parameter values in the second database. It is another aspect of applicant's invention that a processor determine inconsistencies between the configuration parameters in the second configuration database and the translated requirements in the requirements database to attain the diagnosis of the network configuration. It is still another aspect of applicant's invention, as depicted in Fig. 1, that the component elements of applicant's novel system can be used for both of these prior aspects.

The Examiner, in attempting to read applicant's prior claims on Dynarski, has read both the first and the second databases on the same Configuration Database Library 122, referring to Dynarski column 14, lines 12-41. This is not a disclosure, teaching, or suggestion

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of applicant's novel combination of two different databases and their interaction, as set forth in the newly presented claims. Further, nowhere in Dynarski is there any suggestion (or reason for such suggestion) of translating end-to-end or functional requirements into library requirements, as now set forth in applicant's claims. The Examiner's reference to an "End-to-end transit delay element", column 15, line 25 has no relationship to applicant's end-to-end requirements. Further, applicant does not find, in Dyarski column 12, lines 28-52 or column 13, line 45 – column 14, line 12, a disclosure or teaching of a diagnosis of a network, as attained by applicant.

Finally, applicant can find no basis, at column 14, lines 38-50, for the Examiner's assertion that the Dynarski Mobile Call Processor card performs any functions relative to applicant's storing in a second configuration database detailed device configuration parameter values based on the stored intermediate abstractions in the first requirements database. If the Examiner believes that such is to be found anywhere in column 14 of Dynarski or elsewhere in the Dynarski disclosure, the Examiner is requested to point that out so that applicant can consider and refute it. Similarly, the Dynarski MCP does not check configuration parameter values against requirements to find if there is any inconsistency, as set forth in applicant's new claims 10, 13, 15, 18, and 19 nor that the checking is done recursively, as stated in new claims 16, 17, 18, and 19.

In sum, Dynarksi does not disclose or suggest a first requirements database that stores intermediate abstractions representing the translation of end-to-end service or functional requirements, as set forth in new claim 10, nor means for translating requirements into intermediate abstractions, a first database for storing the intermediate abstractions, a second database for storing configuration parameter values based on the stored intermediate abstractions, and means for issuing configuration commands to set devices to the configuration parameter values in the second database, as set forth in applicant's new claim 11. Nor does Dynarski disclose or suggest a processor responsive to the intermediate abstractions for compiling the intermediate abstractions into the configuration parameter values for storing in the second data base, as set forth in new dependent claim 12.

Finally, applicant's new claim 10 recites the combination of elements including the requirements and the configuration data bases, discussed above, and both the provisioning engine or processor for storing the configuration parameter values in the configuration database and the diagnosis engine or processor for making the diagnosis by determining inconsistencies.

The Goldman et al patent was cited by the Examiner as a secondary reference as it discusses using test data and, as such, fails completely to overcome the deficiencies of the basic reference Dynarski, as discussed above. Applicant's note that Goldman et al, in the material specifically cited by the Examiner, refers to the need in some network device systems that manually assigned system resources need to be entered by the user into the configuration database, column 4, lines 1-3, just what applicant's invention avoids.

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    Favorable consideration and allowance of new claims 10-19 are therefore respectfully requested.

    It is believed that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would in any way expedite the prosecution of this application, the Examiner is invited to telephone applicant's attorney at the number set forth below.

Respectfully submitted,

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